IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

–

WRIT PETITION No. 10841 of 2005

Between:

K. Rajani, W/o. Jagadish,
R/o. 67-4-14, Patamata, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Vijayawada,
Krishna District.
2 Motor Vehicle Inspector, Unit Officer, Kavali, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order, direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioners vehicle bearing Registration NO. AP 16 TT 7396 vide Vehicle Check Report No. 2778947 dt. 24.03.2005 under Sec.207 of M.V. Act and illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No. AP 16 TT 7396 to the petitioner herein.

Counsel for the Petitioner : Mr.B.CHANDRA SHEKHAR

Counsel for Respondents : G.P. FOR TRANSPORT

The Court at the stage of admission, made the following :

ORDER:

The petitioner's heavy goods vehicle bearing Registration No. AP 16 TT 7396 was seized on 24.3.2005 on the ground that certain documents mentioned in the Vehicle Check Report No. 2778947 dt. 24.03.2005 by the second respondent were not produced, that fitness certificate was also not produced and temporary permit had expired. The petitioner submitted a representation dated 16.4.2005 to the first respondent for release of the vehicle. No orders were passed thereon. That is the grievance of the petitioner in this writ petition, who seeks release of the vehicle.

In the context of the fact that the petitioner made a representation dated 16.4.2005 to the first respondent for release of his vehicle seized on 24.3.2005, the first respondent is directed to consider the said representation on condition of the petitioner producing all the documents which have been recorded as not having been produced and on scrutiny of such documents and if the documents are in order and if there is no tax liability due on the vehicle and it has a fitness certificate, the vehicle of the petitioner shall be released by the first respondent and in any event, the representation of the petitioner dated 16.4.2005 shall be considered and disposed of expeditiously and in any case within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

GODA RAGHURAM, J

Date: 3.5.2005

Note: ISSUE C.C. IN (2) DAYS

B/O

DA/KVSN

To

1 The Secretary, Regional Transport Authority, Vijayawada, Krishna District.
2 Motor Vehicle Inspector, Unit Officer, Kavali, Nellore District.

3 Two CCs to the G.P. for Transport, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.